

**Luke, Tim**

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**From:** Young, Norm  
**Sent:** Friday, October 18, 2002 8:20 AM  
**To:** Luke, Tim  
**Subject:** RE: WD34 Extended Irrigation Season

Tim: Is the irrigation needed to allow crops to be planted, harvested, new seeding established or some similar practice? If it is to water an established perennial such as pasture or hay or just to increase soil moisture to get a running start on next year, perhaps the water should not be diverted, particularly the ground water diversions with the depressed state of the system. Perhaps diverting the river water would encourage recharge further up the valley. Norm

-----Original Message-----

**From:** Luke, Tim  
**Sent:** Thursday, October 17, 2002 2:14 PM  
**To:** Young, Norm  
**Cc:** Jones, Harold (Skip); Carlsen, Ernie  
**Subject:** WD34 Extended Irrigation Season

Norm,

I received a fax this morning from Water District 34 requesting an extension of the irrigation season for about 10 water rights owned by different individuals, totaling about 30 cfs. Two of the rights are ground water, one is on Alder Creek and the rest are from the Big Lost River in the Mackay area (Darlington, Burnett and Swauger Ditches). Doug Rosenkrance advised me of this request by phone yesterday and I asked him to forward me a list of names and water rights for which extension is sought. The irrigation use according to Doug is just for soil moisture. Doug said he spoke with all the users and he believes they will only irrigate for a few days past October 15th.

Rule 40.04 of the Water District 34 rules provide for extension of the irrigation season upon certain criteria. This particular rule is copied and pasted below. I think we can assume that item a. is met but item b. is not met. There would likely be arguments both ways regarding item c., which is local public interest.

I feel that we probably need to provide some formal response. A request was made last year but I could not find any formal documented response from IDWR. I recall that we allowed the extension for a week or so and did it verbally or maybe by e-mail. We told Doug to stop post 10/15 irrigation after about one week or so because we had quite a few calls and complaints about continued irrigation and winter stockwatering. In addition, the reservoir was empty or close to empty at this time last year as it is now. I think the complaints last year were due to having more requests and larger use after 10/15 and the fact that the river was not connected to the Highway 93 bridge. Doug says the river is currently connected to the bridge and that he has not been getting complaints.

I called the BLRID this afternoon to get their input on this matter. Flow today at Mackay gage below the reservoir is about 174 cfs, which is close to the mean historical flow for this date (165cfs). I'm a little surprised the flow is this high or that the reservoir has not been shut down more given the type of year we had and that the reservoir is near empty. I'd like to hear more from Doug and BLRID about immediate plans for reservoir and flow control. I also plan to ask Doug for a summary of diversion flows in the Mackay reach.

I'd recommend allowing irrigation extension perhaps through just the next day or two and then permitting just stock use after that. We probably can't justify any further extension given the limitation of Rule 40.04(b)

**04. Initiation And Duration Of Surface Water Allocation For Irrigation.** Any time after May 1 an irrigation water user can make a delivery call on the natural flow if the water user can make beneficial use of the water for irrigation. If sufficient natural flow exists to deliver the called for water right in a useable amount to the water users place of use, the watermaster shall deliver the right. In addition, the director may allow the diversion of rights or portions of rights for irrigation use from the Big Lost River as early as April 20 and as late as October 31, and from surface water tributaries to the Big Lost River either before or after the period of use for irrigation described in the water right where: (10-26-94)

a. The water so diverted is applied to a beneficial use resulting in an immediate benefit to growing plants or is necessary to allow performance of an agricultural practice generally accepted in the community, as determined by the director. (10-26-94)

b. All surface water rights, regardless of priority, unless subordinated to the water right or class of

# Memorandum

**To:** Water District 34 File - 2002  
**From:** Tim Luke  
**Date:** October 28, 2002  
**Re:** Extended Season

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On October 15, Water District 34 watermaster Doug Rosenkrance advised me that some irrigators in the district wanted to irrigate beyond the 15<sup>th</sup> of October and request an extension of the irrigation season pursuant to the Water District 34 rules. I advised Doug to submit a list of users making the request and their water rights. Doug submitted a list to my office via facsimile on October 17 (copy attached). The requests amounted to a total of about 30 cfs. Most of the water rights were on ditches in the Mackay area plus two ground water rights in the lower valley. The list did not appear to include rights on one or two canals that Doug had mentioned on October 15. Doug said the water was sought mainly for increasing soil moisture because ground in the area has been so dry. Doug said most users were only requesting water for several days and that irrigation water would likely be all off in about one week.

Attached are several internal e-mails regarding the requests. I learned from Doug and IDWR Dam Safety staff on October 18<sup>th</sup> that IDWR was requesting several repairs to the Mackay Reservoir dam involving the outlet gates. The Big Lost Irrigation District was planning on making the repairs as soon as possible and had decided not to store any water until after the repairs were made (Dam Safety did not require water to not be stored). Given that inflows to the reservoir were being bypassed and not stored for purpose of making repairs on the dam, IDWR advised Doug via telephone on October 18<sup>th</sup> that it was permissible to extend the irrigation season until October 31 or until the repairs were made on the dam and water could again be stored in the reservoir.

rights being called for, (now existing or developed subsequent to these rules), existing at the time of diversion that are within their period of use can be satisfied. (10-26-94)

c. The diversion and use of the water does not conflict with the public interest as determined by the director. (10-26-94)

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